

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

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No. 6:23-cv-00025

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**Caleb Stubblefield,**  
*Plaintiff,*

v.

**Sheriff Botie Hillhouse et al.,**  
*Defendants.*

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**ORDER**

Plaintiff Caleb Stubblefield, an inmate of the Henderson County Jail proceeding pro se, filed this civil action complaining of alleged deprivations of his constitutional rights. The case was referred to United States Magistrate Judge John D. Love.

The magistrate judge issued an initial report recommending dismissal of the defendants Sheriff Botie Hillhouse and Captain Cody Barnett. A copy of this initial report was sent to plaintiff on March 9, 2023, but no objections have been received. The Fifth Circuit has explained that where a letter is properly placed in the United States mail, a presumption exists that the letter reached its destination in the usual time and was received by the person to whom it was addressed. *Faciane v. Sun Life Assurance Company of Canada*, 931 F.3d 412, 420-21 and n.9 (5th Cir. 2019).

When no party objects to the magistrate judge's report and recommendation, the court reviews it only for clear error. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). Having reviewed the magistrate judge's report and being satisfied that it contains no clear error, the court accepts its findings and recommendation. Plaintiff's claims against the defendants Sheriff Hillhouse and Captain Barnett are dismissed without prejudice for failure to state a claim upon which relief may be granted. Sheriff Hillhouse and Captain Barnett are dismissed as parties to this lawsuit. The dismissal of these claims and parties shall have no effect upon the remaining claims and parties in the case.

*So ordered by the court on May 23, 2023.*

  
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J. CAMPBELL BARKER  
United States District Judge